

## Chapter 4 - AMUSEMENTS AND ENTERTAINMENT

### ARTICLE I. - IN GENERAL

Secs. 4-1—4-18. - Reserved.

### ARTICLE II. – TEMPORARY EVENTS, OUTDOOR MUSICAL OR ENTERTAINMENT FESTIVALS AND FIREWORKS OR PYROTECHNICAL DISPLAYS

#### Sec. 4-19. - Purpose.

This article is enacted pursuant to Code of Virginia, § 15.2-1200 for the purpose of providing necessary regulation for the conduct of musical or entertainment festivals, temporary events and fireworks or pyrotechnical displays in the interest of the public health, safety and welfare of the citizens and residents of the County.

#### Sec. 4-20. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Musical or entertainment festival* means any gathering of individuals, open to the public, with or without admission charge, for the purpose of listening to or participating in entertainment which consists primarily of musical renditions conducted in open spaces not within an enclosed structure.

*Temporary Event* means a commercial/fee based event open to the general public located on private property where an admission/registration/hosting fee is collected prior to, or during, the event. Temporary events are occasions and/or gatherings organized for a particular purpose. Events include, but are not limited to, motor sport activities, musical or entertainment festivals, arts/crafts shows, carnivals, circuses,

fairs, seasonal festivals, agritourism activities with over five-hundred (500) attendees, weddings, reunions and similar cultural or live entertainment events. Temporary events are classified into two types: Category one (1) Temporary Events and Category (2) Temporary Events.

*Exempt Events* means events that are exempt from Temporary Event requirements. Exempt Events shall include: any commercial/fee based events on private property with less than five-hundred (500) total attendees, private noncommercial events/gatherings conducted on private property, County Fairs, County sponsored musical events, gatherings and/or festivals, school sporting events, school recreational or music events, political gatherings, religious gatherings and event/venue enterprises or agritourism activities (e.g. wineries and breweries) hosting an event with fewer than five-hundred (500) total attendees.

*Category One (1) Temporary Event* means any event which is neither an otherwise permitted use, nor an exempt event, for which an admissions/registration/hosting fee is charged, and/or where goods and services are sold. These events are projected to have a minimum of five-hundred (500) total daily attendees, or more, but less than one-thousand (1,000) total daily attendees at any time during the event. Such events shall be required to file a completed Festival or Event Permit Application with the County's Zoning Administrator a minimum of fourteen (14) days prior to the date of the event.

*Category two (2) Temporary Event* means any event which is neither an otherwise permitted use, nor an exempt event, for which an admissions/registration/hosting fee is charged, and/or at where goods and services are sold. These events are projected to have a minimum of 1,000 total daily attendees, or more. Category two (2) events shall be required to file a completed Festival or Event Permit Application with the County Administrator a minimum of thirty (30) days prior to the proposed Temporary Event.

*Fireworks or Pyrotechnical Displays* means a public or private display of fireworks or pyrotechnics requiring the operator(s) of said displays to adhere to the Virginia Statewide Fire Prevention Code; such firework or pyrotechnical displays shall complete/file a Fireworks or Pyrotechnical Application with the Zoning Administrator a minimum of ten (10) days before a firework or pyrotechnical display.

## Sec. 4-21. - Construction.

The provisions of this article shall be liberally construed in order to effectively carry out the purposes of this article in the interest of the public health, welfare and safety of the citizens and residents of the County.

## Sec. 4-22. - Violations.

Violations of this ordinance may result in a suit being brought against the alleged violator(s) by the Board of Supervisors in the Circuit Court of the County to restrain, enjoin or otherwise prevent current, or future, violations of this article.

## Sec. 4-23. – Approved application required.

Unless an Exempt Event, no person shall stage, promote, or conduct any temporary event, music or entertainment festival, or fireworks or pyrotechnical display, as defined, in the unincorporated areas of the County and not on lands owned by the County, the County School Board, the County Parks and Recreation Authority, the State, or the United States of America. For Category one (1) Temporary Events, fourteen (14) days prior to the event's date a *Festival and Event Permit Application* shall be completed, filed and approved by the Zoning Administrator; and for Category two (2) Temporary Events, thirty (30) days prior to the event's date a *Festival and Event Permit Application* shall be completed, filed and approved by the County Administrator. For a fireworks and/or pyrotechnical display ten (10) days prior to the display's date a *Fireworks or Pyrotechnical Display Application* shall be completed, filed and approved by the County's Zoning Administrator.

## Sec. 4-24. - Application generally.

Temporary Events requiring a Festival or Event Permit Application, and Fireworks or Pyrotechnical displays requiring a *Fireworks or Pyrotechnical Display Application* shall do so in writing, on forms provided for such purposes, and completed and filed with the County's Zoning Administrator or County Administrator, as set forth in section 4-23 of this ordinance.

## Sec. 4-25. - Applicant to furnish right of entry.

No permit shall be issued under this article unless the applicant shall furnish to the board written permission for the board, its lawful agents and duly constituted law enforcement officers to go upon the property at any time and make an inspection for the purpose of determining compliance with the provisions of this article.

## Sec. 4-26. - Action on application; granting or denial of applications.

The Zoning Administrator or County Administrator shall act on temporary event applications a minimum of seven (7) days prior to a proposed category one (1) temporary event, and a minimum of fourteen (14) days prior to a proposed category two (2) temporary event. The Zoning Administrator shall act on fireworks or

pyrotechnical display applications a minimum of five (5) days prior to a proposed firework or pyrotechnical display. An application may be approved with specific conditions deemed necessary and proper to promote the public health, safety and general welfare, including, but not limited to, the posting of a bond by the applicant in an amount established by the Zoning Administrator or County Administrator to ensure compliance with this article, cleaning of the premises used so as to restore said premises to the same condition as they existed prior to the event or festival, and to ensure payment of any and all damages and legitimate nuisance claims which might arise from the conduct of said event or festival. If granted, the permit shall be issued in writing, on a form for the purpose, and electronically mailed by the Zoning Administrator or County Administrator to the applicant at the address indicated. If denied, the denial shall be in writing and the reasons for such denial stated therein, and electronically mailed by the Zoning Administrator or County Administrator to the applicant at the address indicated; this shall be done so on or before the required notice stated in this section.

**Sec. 4-27. - Conditions precedent to granting of Festival or Temporary Event Applications; plans, statements, approvals, etc., to accompany application of permit.**

No Festival or Temporary Event Application shall be issued under this article unless the following conditions are satisfactorily met and the following plans, statements and approvals are submitted to the Zoning Administrator, or County Administrator. Applications for a Festival or Event Permit shall include the following:

Name of Event

Type of Event

Date/Dates of Event

Time/Times of Event

Location where Event is to be held (911 Address and Tax Map Number)

Name of organization/promoter(s)

Address of organization/promoter(s)

Name of Property Owner(s)

Name and addresses of person/organization financially responsible for event

List of names of all performance or groups who will perform at event (if any)

Estimated duration/time of live performances

Maximum number of tickets/registrations offered for sale (attach copy of the ticket, badge or promotional flyer to application)

Number of anticipated attendees

Will temporary short-term lodging be offered

Proof of liability insurance

A plan for adequate sanitation facilities and garbage, trash and sewage disposal for persons at the event

A plan for providing food, water and lodging for persons at the event

A plan for providing adequate medical facilities for persons at the event

A parking and traffic management plan to ensure adequate parking and traffic control at the event

An adequate site plan sketch showing the following: outdoor lighting, location of outdoor camping, proposed method of water supply, location of toilets/sanitation, and the proposed location of parking, entrances and exists to the event.

#### Sec. 4-28. - Restrictions as to music and entertainment.

No music or entertainment shall be provided between the hours of 12:00 a.m. and 10:00 a.m.

#### Sec. 4-29. - Revocation.

The Zoning Administrator or County Administrator shall have the right to revoke any permit issued under this article upon noncompliance with any of the provisions and conditions of the permit or the provisions of this article.

#### Sec. 4-30. – Applications may be forwarded to Board of Supervisors for review and approval.

As deemed necessary by the Zoning Administrator or County Administrator an application for a temporary event, festival and/or fireworks or pyrotechnical display may forward to the Board of Supervisors for review, approval, approval with

modifications or denial. At the request of the Chair of the Board of Supervisors, an application shall be forwarded for review, approval with modification or denial by the Board of Supervisors.